

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 05-2366

USA vs. Watson

District Court No. 00-cr-00119-3

O R D E R

It appearing that the District Court has not issued a certificate of appealability or stated reasons why a certificate of appealability should not issue pursuant to Rule 22(b), F.R.A.P. and 28 U.S.C. Section 2253 and that under Third Circuit LAR 22.2 the District Court is required to make a determination as to whether a certificate of appealability should issue at the time a final order is issued;

It is hereby **O R D E R E D** that the matter is remanded to the District Court for the sole purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue. The appeal is stayed pending determination by the District Court.

The record is being returned to the District Court for its consideration and completion of the record. The Clerk of the District Court is to promptly forward the record to the Clerk of the Court of Appeals after entry of the District Court's determination regarding the certificate of appealability.

For the Court,

*Marcia M. Waldron*

MARCIA M. WALDRON  
Clerk

Date: 6/10/2005

cc:

Honorable Yvette Kane  
Mrs. Mary D'Andrea

Mr. John Watson #10075-067  
William A. Behe, Esq.

